

Emergency Bill No. 33-01
Concerning: Human Rights –Transport-
ation and Government Services
Revised: Dec. 4, 2001 Draft No. 6
Introduced: October 16, 2001
Enacted: December 4, 2001
Executive: December 13, 2001
Effective: December 13, 2001
Sunset Date: None
Ch. 33, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing, for himself and on behalf of the County Executive, and
Councilmember Praisner.

AN EMERGENCY ACT to:

- (1) clarify that the County human rights law prohibits discrimination in certain transportation facilities and services;
- (2) clarify that government agencies and services must comply with County human rights laws; and
- (3) make stylistic changes in, and generally amend, County law regarding human rights.

By amending

Montgomery County Code
Chapter 27, Human Rights
Sections 27-6, 27-10, and 27-11

| | |
|-------------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Sections 27-6, 27-10, and 27-11 of the County Code are amended as follows:

27-6. Definitions.

The following words and phrases have the following meanings, unless the context indicates otherwise:

* * *

- (p) **Lending institution** means any bank, insurance company, savings and loan association, or any other **person** or organization regularly engaged in the business of lending money or guaranteeing loans.

Lending institution includes a department, agency, or instrument of the County or, to the extent allowed by law, a federal, State, or local government that lends money or guarantees loans.

* * *

- (s) **Person** [has the meaning stated in Section 1-302(a)(5)] means an individual; a legal entity; or a department, agency, or instrument of the County or, to the extent allowed by law, of federal, State, or local government.

* * *

**DIVISION 1. DISCRIMINATION IN [PLACES OF] PUBLIC
[ACCOMMODATION] ACCOMMODATIONS.**

27-10. Scope.

- (a) This division applies to every [place of] public accommodation of any kind in the County whose facilities, accommodations, services, commodities, or use are offered to or enjoyed by the general public either with or without charge, such as:

- 26 (1) restaurants, soda fountains, and other eating or drinking places,
 27 and all places where food is sold for consumption either on or
 28 off the premises;
- 29 (2) inns, hotels, and motels, whether serving temporary or
 30 permanent patrons;
- 31 (3) retail stores and service establishments;
- 32 (4) hospitals and clinics;
- 33 (5) motion picture, stage, and other theaters and music, concert, or
 34 meeting halls;
- 35 (6) circuses, exhibitions, skating rinks, sports arenas and fields,
 36 amusement or recreation parks, picnic grounds, fairs, bowling
 37 alleys, golf courses, gymnasiums, shooting galleries, billiard
 38 and pool rooms, and swimming pools; [and]
- 39 (7) public conveyances, such as automobiles, buses, taxicabs,
 40 trolleys, trains, limousines, boats, airplanes, and bicycles;
- 41 (8) utilities, such as water and sewer service, electricity, telephone,
 42 and cable television;
- 43 (9) streets, roads, sidewalks, other public rights-of-way, parking
 44 lots or garages, marinas, airports, and hangars; and
- 45 [(7)]
- 46 (10) places of public assembly and entertainment of every kind.
- 47 (b) In this Chapter, “public accommodation” includes any service,
 48 program, or activity offered to or used by the general public.
- 49 (c) This division does not apply to accommodations that are distinctly
 50 private or personal.

27-11. Discriminatory practices.

(a) An owner, lessee, operator, manager, agent, or **employee** of any public accommodation in the County must not, with respect to the [place] accommodation:

(1) make any distinction with respect to any **person** based on race, color, sex, **marital status**, **religious creed**, ancestry, national origin, **disability**, or **sexual orientation** in connection with:

(A) admission;

(B) service or sales; or

(C) price, quality, or use of any facility or service;

(2) display, circulate, or publicize, or cause to be displayed, circulated, or publicized, directly or indirectly, any notice, communication, or advertisement that states or implies:

(A) [that] any distinction in the availability of any facility, service, commodity, or activity [in that place of public] related to the accommodation [will not be made available to any **person** according to the requirements of subsection (a) of this section] that would violate paragraph (1), or

(B) that the patronage or presence of any **person** is unwelcome, objectionable, unacceptable, or not desired or solicited on account of any person's race, color, sex, **marital status**, **religious creed**, ancestry, national origin, **disability**, or **sexual orientation**;

* * *

(b) [Discrimination against a disabled **person** in a place of public accommodation includes a refusal] A person must not refuse to make

any **readily achievable** modification [necessary to afford] that would
give a person with a disability equal opportunity to use and enjoy the
public accommodation.

Sec. 2. Emergency Effective Date.

The Council declares that an emergency exists and that this legislation is
necessary for the immediate protection of the public health and safety. This Act
takes effect on the date on which it becomes law.

Approved:

/S/ December 7, 2001

Steven A. Silverman, President, County Council Date

Approved:

/S/ December 13, 2001

Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.

/S/ December 17, 2001

Mary A. Edgar, CMC, Clerk of the Council Date